

Application No.: 09/535,733**Docket No.: 5000-031****REMARKS**

Reconsideration and allowance of the subject application in view of the foregoing amendments and the following remarks is respectfully requested.

Upon entry of this Amendment Under Rule 116, no claims are canceled or newly added, and claim 4, 25, 33 are currently amended. Accordingly, claims 3-9, 11-15, 17, 18 and 22-30 remain pending in this application.

Claim 33 stands rejected under 35 USC § 112, first paragraph, as being non-enabling because the claim recitation of "on-road guidance mode" is deemed as not being sufficiently described in the specification in such a way to permit one skilled in the art to make or use the claimed invention. Questions additionally raised in the Office Action include querying whether the on-road guidance mode relates to a navigation system or a motor vehicle. Applicant respectfully traverses the rejection in view of the following.

From the specification, it is made abundantly clear that the present invention relates to improvements to a navigation system, one that may be used in a vehicular system. The specification is replete with such references, as where the Summary of Applicant's specification specifies that the invention is directed to providing "a method of selectively displaying cartographic features on a video display of a navigation system for improved rendering," or where Detailed Description of Applicant's specification states "the navigation system 20 can, but need not, be installed in a vehicle 32."

Secondly, the specification makes it abundantly clear to one skilled in the art, and likely the greater pool of persons who use or have used use navigational equipment, which "on-road guidance" refers to guidance provided by the navigational equipment (likely but not necessarily equipment used in a vehicle) that provides the user navigational guidance information relating to roads. A "typical" example is where user selects a particular destination. Specification, p.4, ll.15-24. Such knowledge would be well within the confines of persons skilled in the navigational equipment technologies. Nevertheless, claim 33 has been amended herewith to remove any possibly ambiguities.

Claims 3-9, 11-15, 17-18 and 22-30 are rejected under 35 USC 103(a) as being unpatentable over U.S. Patent No. 5,067,081 to Person (hereinafter "Person") and further in view of U.S. Patent No. 5,311,173 to Komura *et al.* (hereinafter "Komura"). Applicants respectfully traverse this rejection in view of the following.

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Beginning with Applicant's independent claim 4, from which claims 3, 5 and 6 depend, the claim includes determining an operational mode of a navigation system. The navigation system includes a first operational mode and a second operational mode.

Person fails to disclose, hint or suggest the foregoing. The reference is directed to a portable navigation aid, which uses the latitude and longitude coordinates of geographic points and landmarks to determine the current location, destination and distance. Beginning with the description of the operation, c.10, l.10, and referring to Person's Fig.3, Person stores latitude/longitude for population centers in memory 69, for landmarks in memory 71, and for roads in memory 73. Referring to Person's Fig. 1, based upon combinations of inputs from a user into user input section 18, a path is calculated for travel, and the user is further permitted to enter, for example, "all," cities, landmarks, or roads, which prompts the system to display one or more items in the path.

Nowhere does Person provide, disclose, suggest or hint at a first operational mode, including an "on-road mode in which a vehicle position is displayed relative to a road system," and a second operational mode, including an "off-road mode in which the vehicle position is displayed irrelative to a road system."

Additionally, nowhere does Person provide, disclose, suggest or hint at selection of a desired cartographic entity "for a cartographic feature based upon the operational mode." The foregoing operational modes are simply not suggested by Person, and neither is selection of a desired cartographic entity for a cartographic feature based upon such operational modes. It should also be noted that to sustain a proper rejection, any "selection" must be performed by the system and/or methods specified in the alleged prior art, not by the person or user who uses the system, which has no bearing upon showing anticipation or obviousness in a proper rejection.

The claim further recites performing the foregoing based upon "selecting a less detailed desired cartographic entity for the cartographic feature in the first operational mode" and "selecting a more detailed desired cartographic entity than the less detailed desired cartographic entity for the same cartographic feature in the second operational mode." Again, the elements are not hinted or suggested by Person.

To provide the aforementioned missing claim recitations, the Office Action cites Komura, a reference which seeks to increase estimation accuracy of the current position of a vehicle by calculating the probability density of a current position of the vehicle from map data

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and at least one of a number of multiple sensor outputs. The statements in the Office Action are not understandable. Nowhere does Komura disclose, suggest, or hint at the foregoing missing features, let alone provide a motivation to combine reference as should accompany a proper rejection. For example, the Office Action apparently suggests that the missing features of Applicant's operational modes is provided by Komura's disclosure of radio beacons for transmitting positional information (c.1, ll.27-34), by a problem laid out in that the current position is forcibly displayed where the vehicle misses the road (c.1, ll.7-14), and by an equation relating to how the matching between a running trajectory a candidate route is executed by minimizing a matching cost formula (c.5, ll.55-68).

There is teaching, in either reference, or in both references taken in combination, to combine references to provide a first mode where the vehicle position is displayed relative to the road system, and a second mode, where the road position is displayed irrelative to the road system. Nor is there any motivation to provide the foregoing. Nor are any of the foregoing claim recitations directed to "selecting a desired cartographic entity for a cartographic feature based upon the operational mode" hinted or suggested, including selecting a less detailed entity for the feature in the first operational mode, and a more detailed desired entity than the less detailed one for the feature in the second mode. The claim recitations are simply vacant from the references, with no hints, suggestions, or motivations provided, other than hindsight impermissibly garnered from Applicant's claimed invention. Accordingly, the foregoing rejection should be withdrawn, and dependent claims 3, 5 and 6 should be found allowable for at least the foregoing reasons.

Turning to independent claim 7, the claim discloses that (i) a first operational mode is defined by a predetermined speed, and that (ii) selecting of the desired cartographic entity for a cartographic feature is based upon reaching the predetermined vehicle speed in the first operation mode, and includes selecting a less detailed desired entity for the feature at the predetermined vehicle speed in the first mode, and (iii) selecting a more detailed desired entity than the less detailed entity for the same feature in the second mode. Nowhere does Person, alone or in combination with Komura, hint or suggest the foregoing. The Office Action references Person's disclosure of c.3, ll.5-12, for this missing feature. The only possible relation of the cited section is that in the background description section, Person discloses bearing and speed sensors of a moving vehicle can be used, whose results can be used to determine present location. The reference notably lacks any hint or suggestion of the foregoing claim recitations, including that

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Applicant's claim recites defining the first operational mode by a predetermined speed, and selection of a cartographic entity for a cartographic feature based on reaching the predetermined speed in the first mode, and the numerous other recitations above mentioned. Komura does not disclose or suggest the missing elements.

The rejection similarly fails for claim 8, where the claim features directed to the "vehicle speed" of claim 7, for the first operational mode, are similarly applied to a "panning mode." Again, nowhere are the claim recitations hinted or suggested by either Person or Komura. Accordingly, the foregoing rejection should be withdrawn. Next, turning to claim 9, the claim recites the foregoing features directed to the "selecting" step for claims 7 and 8, and is allowable for at the least the foregoing reasons.

Turning to independent claim 11, from which claims 12-15 depend, the claim recitations are not hinted or suggested by Person, Komura, or a combination thereof. As noted in the foregoing arguments, the Person, Komura combination does not hint or suggest selecting of a cartographic entity for a cartographic feature based upon selecting a less or more detailed desired entity for respective first and second operational modes. In light of the foregoing, the Person, Komura combination does not hint or suggest selecting of a first cartographic entity for a first cartographic feature based on an operational mode, where the first entity is a vehicle route with a first intensity, and selecting a second intensity for a second desired entity for a second feature which is different than the first intensity. Accordingly, the foregoing rejection should be withdrawn, and dependent claims 12-15 should be found allowable for at least the foregoing reasons.

Turning to independent claim 17, from which dependent claims 18, 22-24, and 31-33 depend, the claim is allowable for a number of the reasons for which claim 4 is allowable, and claims 18, 22-24 and 31-33 should also be held allowable as they depend from claim 17. Accordingly, the foregoing rejection should be withdrawn.

Turning to independent claim 25, from which dependent claims 26-30 depend, the Person, Komura combination does not hint or suggest a focal cartographic entity. As alluded to in the foregoing traversals, neither does the combination hint or suggest selecting of a first desired intensity for a first desired cartographic entity defining such focal cartographic entity, that is based on the operational mode. There is also no suggestion of selecting a second intensity for a second desired cartographic entity based on the operation mode. Nor is there any suggestion

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or hint of a simultaneously displaying the aforementioned first and second entities on a video display at such desired intensities.

Since all rejections having been addressed, it is respectfully submitted that the present application should be in condition for allowance and a Notice to that effect is earnestly solicited.

To the extent necessary, a petition for an extension of time under 37 C.F.R. 1.136 is hereby made. Please charge any shortage in fees due in connection with the filing of this paper, including extension of time fees, to Deposit Account 07-1337 and please credit any excess fees to such deposit account.

Respectfully submitted,

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